

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9986 of 1996

For Approval and Signature:

Hon'ble THE ACTING CJ R.A.MEHTA  
and  
MR.JUSTICE C.K.THAKKER

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

Nos.1 to 5 : No

-----  
GAMAR GUJARABHAI JIVABHAI

Versus

DY.COLLECTOR AND SPECIAL LAND ACQUISITION OFFICER

-----  
Appearance:

MR JV JAPPEE for Petitioners  
Mr.D.C. Dave, AGP for Respondent No. 1, 2

-----  
CORAM : THE ACTING CJ R.A.MEHTA and  
MR.JUSTICE C.K.THAKKER

Date of decision: 08/01/97

ORAL JUDGEMENT : (Per R.A. Mehta, J.)  
Rule. Shri D.C. Dave, learned AGP waives service of the rule.

2. By the impugned order dated 4th July 1995 at annexure 'D' to the petition, the application for

reference under section 18 of the Land Acquisition Act was dismissed on the ground that there were two applications made by two different lawyers in respect of the same claim. This is no reason for dismissal of application. In respect of one claim if two applications were made, said applications could have been treated as one and the same and should have been considered on merits and in accordance with law and orders passed thereon on that basis.

3. The impugned order, annexure 'D' to the petition is therefore quashed and set aside. The respondents are directed to consider the applications (annexure 'A' to the petition), and deal with the same in accordance with law and pass appropriate orders under section 18 of the Land Acquisition Act. It is also directed that the applications shall be decided within the period of four (4) weeks from the date of receipt of the writ. Rule is made absolute. Direct service is permitted.

-oOo-

karim\*